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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHALONER SAINTILLUS,

Defendant.

CASE NO. 2:20-CR-00213-KJM

UNITED STATES' MOTION *IN LIMINE* NO. 7 –
TO EXCLUDE INFORMATION RELATED TO
PUNISHMENT AND SENTENCING

DATE: January 23, 2023
TIME: 9:00 a.m.
COURT: Hon. Kimberly J. Mueller

The United States of America moves *in limine* for an order prohibiting defendant Chaloner Saintillus or his counsel from referring, in the presence of the jury during *voir dire* or at trial, either directly or indirectly, to (i) the potential penalties Saintillus may face, (ii) statutory maximums or minimums applicable to him, or (iii) any sentencing range upon his conviction.

I. LEGAL BACKGROUND

“It is inappropriate for a jury to consider or be informed of the consequences of their verdict.” *United States v. Frank*, 956 F.2d 872, 879 (9th Cir. 1992). Indeed, it is “well established that when a jury has no sentencing function, it should be admonished to ‘reach its verdict without regard to what sentence might be imposed.’” *Shannon v. United States*, 512 U.S. 573, 579 (1994) (quoting *Rogers v. United States*, 422 U.S. 35, 40 (1975)). This principle reflects a “basic division of labor in our legal system between judge and jury.” *Shannon*, 512 U.S. at 579. “The jury’s function is to find the facts and to decide whether, on those facts, the defendant is guilty of the crime charged.” *Id.* “The judge, by

1 contrast, imposes sentence on the defendant after the jury has arrived at a guilty verdict.” *Id.* Thus,
2 information regarding potential penalties, statutory maximums or minimums, or sentencing ranges is
3 “irrelevant to the jury’s task.” *Id.* “Moreover, providing jurors sentencing information invites them to
4 ponder matters that are not within their province, distracts them from their factfinding responsibilities,
5 and creates a strong possibility of confusion.” *Id.*

6 **II. ARGUMENT**

7 Saintillus and his counsel should not refer to his potential penalties in the presence of the jury
8 because such information is “irrelevant to the jury’s task.” *Id.* Accordingly, Saintillus should be
9 prohibited from referring, in the presence of the jury during *voir dire* or at trial, either directly or
10 indirectly, to the potential penalties, statutory maximums or minimums, or sentencing ranges applicable
11 to Saintillus upon a conviction.

12 **III. CONCLUSION**

13 For the above stated reasons, the United States requests that the Court prohibit Saintillus and his
14 counsel from referring directly or indirectly in the presence of the jury to (i) potential penalties Saintillus
15 may face, (ii) statutory maximums or minimums applicable to him, or (iii) any sentencing range upon
16 his conviction.

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18 Dated: December 9, 2022

PHILLIP A. TALBERT
United States Attorney

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20 By: /s/ SAM STEFANKI
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